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ATTORNEY DOCKET NO.: 051481-5140 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 4989
	)	
Andre VEINOTTE	)	Group Art Unit: 3747
	)	
Application No.: 10/758,104	)	Examiner: Unassigned
	)	
Filed: January 16, 2004	)	
	)	
For: ELASTOMERIC VAPOR FLOW	)	
CONTROL ACTUATOR WITH	)	
IMPROVED MECHANICAL	)	
ADVANTAGE	)	

Commission for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the co-pending applications listed below and documents listed on the attached PTO-1449.

To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application and no fees are believed to be necessary.

Applicant respectfully requests that the Examiner consider the listed documents and applications and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

Application Serial No.	Title	Inventors	Attorney Docket No.	Date Filed	Art Unit Status
10/758,016	System for Extending an Elastomeric Vapor Flow Control Actuator	Andre VEINOTTE	051481-5141	Jan. 16, 2004	3747 Pending
10/758,126	Elastomeric Vapor Flow Control Actuator	Andre VEINOTTE	051480-5122	Jan. 16, 2004	3747 Pending

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: May 25, 2004

By: 

Peter J. Sistare  
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